in one state and returns to his home in another state, is a fugitive from justice. *Ex parte Swearingen*, 13 S. C. 74. And it has been held that one who has been induced by false statements and fraud to enter a state, in order that extradition might be effected, was a fugitive from justice. *Ex parte Brown*, 28 Fed. 653.

In a recent case, the governor of Texas made requisition upon the governor of Oregon for a person charged with having committed a crime in the former state, and who had previously committed a crime in Georgia and then fled to Oregon. The accused was delivered over to the state of Texas, and acquitted, but before she left that state, the governor of Georgia sought to have her extradited, and the United States Supreme Court held that she was a fugitive from justice from Georgia. *Innes* v. *Tobin*, 240 U. S. 127. It seems, however, that this case may be distinguished from the instant case, in that the accused voluntarily left the state in which the crime was committed, while in the instant case, the accused was removed against his will and by the authority of the state in which the crime was committed.

It is unfortunate to allow the petitioner in the instant case to go unpunished, if guilty of a crime, but the holding seems sound and the failure of justice is rather to be attributed to laches on the part of the Texas authorities in not prosecuting the accused before turning him over to the State of California.

HOSPITALS—DUTY TO PATIENTS—THEFT OF RING BY NURSE.—The plaintiff, a pay patient in a hospital operated for pecuniary gain, while under the influence of ether had a ring stolen from her hand by one of the nurses in the operating room. Action was brought against the hospital for violation of its duty owed to the plaintiff. *Held*, the hospital is liable. *Vannah* v. *Hart Private Hospital* (Mass.), 117 N. E. 328.

It is not denied that a master is liable for the torts of his servant committed within the scope of the servant's employment. *Brown* v. *La Société Francaise*, 138 Cal. 475, 71 Pac. 516. See *Fairbanks* v. *Boston Storage Warehouse Co.*, 189 Mass. 419, 75 N. E. 737, 13 L. R. A. (N. S.) 422. But a master may be held liable for the tortious acts of the servant, though not within the scope of his employment, if the tortious act was a breach of duty owed by the master to the person injured. Thus a common carrier has been held liable for assaults made upon a passenger by its table waiters. *Bryant* v. *Rich*, 106 Mass. 180, 8 Am. Rep. 311.

The duty owed by a hospital to its patients varies according to whether it is a charitable institution or organized for pecuniary gain. A charitable institution having used due care in the selection of its agents and servants is not liable for their negligence. *McDonald* v. *Massachusetts General Hospital*, 120 Mass. 432, 21 Am. Rep. 529. For a discussion of the principles governing such cases, see 1 VA. LAW REV. 636.

But a hospital organized for pecuniary gain is under a duty to exercise ordinary care in the treatment of its patients. *Hogan* v. *Clarksburg Hospital Co.*, 63 W. Va. 84, 59 S. E. 943. A hospital in assuming

control of a patient for private gain does so with a view of furnishing promptly modern equipment, facilities and treatment, and the duties which it owes to a patient are commensurate with the responsibilities assumed. Thus, a hospital, assuming control over a person suffering from mental disorders, is liable for his death from poisoning, where such patient had access to a room in which poisons were kept. *Broz* v. *Omaha, etc., Hospital Ass'n*, 96 Neb. 648, 148 N. W. 575, L. R. A. 1915D, 334. Likewise, on the same principle, where a hospital allowed a demented patient to escape from his room and make assaults on another patient, it was held liable because of its breach of duty. *University of Louisville* v. *Hammock*, 127 Ky. 564, 106 S. W. 219, 14 L. R. A. (N. S.) 784. *A fortiori*, there is a breach of duty when assaults are made upon a patient by a stranger at the instance of one of the keepers of a sanitarium. *Galesburg Sanitarium* v. *Jacabson*, 103 Ill. App. 26.

LANDLORD AND TENANT—LESSOR'S LIABILITY TO THIRD PERSONS—DANGEROUS PREMISES.—The defendant leased a lake to a certain lessee, which lake the lessee purposed to use as a public bathing resort. The lessee agreed that he would make the necessary improvements to render the lake fit and safe for such a purpose. As a result of the negligent failure of the lessee to provide suitable safety appliances the plaintiff was drowned. An action was brought against the defendant-lessor. *Held*, the defendant is not liable. *Beaman* v. *Grooms* (Tenn.), 197 S. W. 1090.

The general rule governing the liability of a lessor of real property to third persons injured thereby is that, prima facie, the breach of duty and hence the liability is that of the tenant and not that of the landlord. The lessor is not ordinarily responsible for injuries to third persons resulting from the condition of the premises leased; and in order to render him liable more must be shown than that the premises, which were the cause of the injury, were in fact owned by him, though leased to another. *Shindelbeck* v. *Moon*, 32 Ohio St. 264, 30 Am. Rep. 584. See MINOR, REAL PROP., § 394; 1 TAYLOR, LANDLORD AND TENANT, 8 ed., § 175.

But when, at the time of the demise, the premises are in a defective condition or unsafe for the purpose for which they are intended, and third persons are injured in consequence thereof, the courts are not agreed as to the respective liability of the lessor and lessee. The courts hold generally that under such circumstances the lessee is always liable. This is on the theory that by suffering the defect or nuisance to remain, he is, in effect, keeping up and maintaining it just as if he had originally caused it to exist. *Irvine* v. *Wood*, 51 N. Y. 224, 10 Am. Rep. 603; *Mitchell* v. *Brady*, 124 Ky. 411, 99 S. W. 226, 124 Am. St. Rep. 408, 13 L. R. A. (N. S.) 751. As to the liability of the lessor of such defective premises the cases are in almost hopeless conflict—abounding in various qualifications and distinctions—and it is difficult to extract the true doctrine from the multitude of decisions.

It is universally held that the lessor is not liable for injuries due to defective or dangerous premises when the defect or nuisance arose